

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN,
MANUEL ALBERTO MARTINEZ, ANDRES
GIOVANNY SANCHEZ, NANCY CASTRO, and
MARGOTH PEREZ DE CHALAMPA, on behalf of
themselves and all other similarly situated individuals,

08 Civ. 2354 (LMM)

Plaintiffs,

-against-

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security,
EMILIO GONZALEZ, in his official capacity as
Director of the United States Citizenship and
Immigration Services, ANDREA QUARANTILLO,
in her official capacity as District Director of the
New York City District of the United States
Citizenship and Immigration Services,
MICHAEL B. MUKASEY, in his official capacity as
Attorney General of the United States, and
ROBERT S. MUELLER, III, in his official capacity as
Director of the Federal Bureau of Investigation,

Defendants.
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DECLARATION OF MANUEL ALBERTO MARTINEZ

I, Manuel Alberto MARTINEZ, hereby declare and say that the following statements are true and correct, under penalty of perjury:

1. I reside with my wife and children in Kings County, New York
2. I was born in Mexico in 1972. I am currently a lawful permanent resident of the United States and have a pending US naturalization application. At the age of 17,

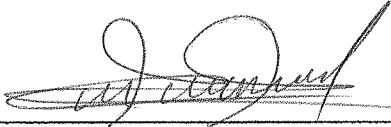
I came to the United States to seek a better life. I have been a permanent resident since April 2001.

3. My wife and I are both raising three U.S.-born children - a five year old son, a seven year old daughter, and an eleven year old daughter. My wife, a Mexican national, was recently approved for lawful permanent residency through my spousal sponsorship. Her petition was filed and pending since 2001.
4. I presently am employed as a plumber / maintenance employee at a major hotel chain in New York City.
5. I am a homeowner of the private house in which my family and I live.
6. On or about January 25, 2006, my immigration lawyer submitted an N-400 application for naturalization to USCIS.
7. On February 7, 2006, USCIS issued a notice confirming receipt of my naturalization application and payment. See, Martinez Ex. 1
8. On February 24, 2006 I went to my fingerprint appointment.
9. On May 10, 2006, I was interviewed at the USCIS Garden City, New York office. I was informed that I passed my naturalization examination and needed to wait for a notice of the oath-taking ceremony.
10. After waiting a while, I made several phone calls to the USCIS customer service line in 2006 and in 2007. I received USCIS' letters dated April 17, 2007 and November 14, 2007 with identical replies that the processing of my application could not proceed and was delayed "as the required investigation into your background remains open." See, Martinez Ex. 2.

11. My immigration lawyer also made inquiry to the USCIS. On February 13, 2008, he wrote to the naturalization section chief of the USCIS in Garden City. There has been no reply from USCIS.
12. These delays in obtaining my US citizenship are difficult and have caused me anxiety and problems. They created barriers for my family and for me on life decisions.
13. My immigration petition for my wife was filed in 2001. The length of the wait has been years. The processing of her permanent residency application would likely have been faster if there were no delays in my obtaining U.S. citizenship. As a United States citizen, one has the right to convert the second preference residency petition into an "immediate relative" petition which is typically processed much quicker.
14. I want to be able to vote in the 2008 Presidential elections. It is a major goal in my life. I value the opportunity to elect the leaders of this democratic country. I do want to participate in meaningful ways as a new citizen.
15. I want to sponsor my mother to live with my family in the United States. She is encountering some personal problems and I want to provide her with a stable home. Only US citizens can sponsor a parent under the immigration laws.
16. As of this date, my naturalization application has not been adjudicated. It has been over 25 months since the date I submitted my naturalization application and over 21 months since the date of my examination.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 28 day of March, 2008.

 / s

MANUEL A. MARTINEZ

THE UNITED STATES OF AMERICA

MARTINE & S. u. 11

U.S. Department of Homeland Security

Jacob Javits Federal Building

26 Federal Plaza

New York, NY 10278

**U.S. Citizenship
and Immigration
Services**

Tuesday, April 17, 2007

MANUEL A. MARTINEZ

7 ROOSEVELT CT

BROOKLYN NY 11232

Dear MANUEL A. MARTINEZ:

On 01/16/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

The applicant

Attorney Name:

Information not available

Case type:

N400

Filing date:

Information not available

Receipt #:

ESC*001558688

Beneficiary (if you filed for someone else):

MARTINEZ, MANUEL, A.

Your USCIS Account Number (A-number):

Information not available

Type of service requested:

Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

MARTINEZ EX 2A

U.S. Department of Homeland Security

Jacob Javits Federal Building

26 Federal Plaza

New York, NY 10278

**U.S. Citizenship
and Immigration
Services**

Wednesday, November 14, 2007

MANUEL MARTINEZ
7 ROOSEVELT CT
BROOKLYN NY 11232

Dear Manuel Martinez:

On 11/13/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	N400
Filing date:	01/30/2006
Receipt #:	ESC*001558688
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	A076547530
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

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U.S. Citizenship and Immigration Services

MARTINEZ 58 712